

REMARKS

Claims 1-17 and 21-26 are pending. Applicant notes with appreciation the allowance of claims 9-17 and the conditional allowance of claim 6-8. Claim 6 has been rewritten in independent form and is deemed allowable. Claims 7 and 8 depend from claim 6 and are also deemed allowable. New claims 21-26 have been added. Claims 18-20 have been withdrawn pursuant to the election of claims 1-17. Reconsideration of this application in light of the above amendments and the following remarks is requested.

Rejections under 35 U.S.C. § 102

Claims 1, 4, and 5 stand rejected under 35 U.S.C. § 102 in light of U.S. Patent No. 5,371,396 to Vinal et al. ("Vinal"). As the PTO provides in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim...." (emphasis added). Therefore, each reference applied under 35 U.S.C. § 102 must disclose all of the elements of the claims to sustain the rejection. Accordingly, Applicant respectfully traverses this rejection on the following grounds.

Claim 1 recites a decoupling capacitor formed on an integrated circuit, the capacitor comprising: first and second electrodes separated by a dielectric material; a source positioned proximate to the first electrode; and a floating drain positioned proximate to the first electrode and separated from the source by the first electrode, wherein the floating drain enhances an ability of the decoupling capacitor to withstand electrostatic discharges.

Applicant submits that Vinal fails to teach or suggest every element of claim 1. For example, the Office Action relies on Fig. 1 of Vinal and states that Vinal discloses "a floating drain (24) positioned proximate to the first electrode." However, Applicant can find no teaching or suggestion in Vinal of a floating drain. Accordingly, Vinal fails to teach or suggest every element of claim 1 as required by MPEP § 2131, and claim 1 is allowable over the cited reference. Claims 4 and 5 depend from and further limit claim 1 and are allowable for at least the same reason as claim 1.

Rejections under 35 U.S.C. § 103

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) in light of Vinal. However, as claims 2 and 3 depend from and further limit claim 1, which is allowable for at least the reason discussed above, claims 2 and 3 are also allowable.

New claims 21-26

New claim 21 recites a decoupling capacitor formed on an integrated circuit, the capacitor comprising: a gate oxide layer formed on a substrate; a polysilicon gate formed on the gate oxide layer; a dielectric layer covering the polysilicon gate; a source positioned proximate to the gate oxide layer and under the dielectric layer; and a floating drain positioned proximate to the gate oxide layer opposite the source and under the dielectric layer, wherein no contact is coupled to the floating drain.

New claims 22-25 depend from and further limit claim 21.

New claim 26 recites an integrated circuit with electrostatic discharge resistance, the circuit comprising: first and second polysilicon gates; a first source positioned proximate to the first gate; a second source positioned proximate to the second gate; and a floating drain positioned between the first and second gates, separated from the first source by the first gate to form a first capacitor, and separated from the second source by the second gate to form a second capacitor, wherein the floating drain enhances an ability of the first and second capacitors to withstand electrostatic discharges.

Applicant submits that the cited references fail to teach or suggest each element of claims 21-26 as required by MPEP § 2131. Applicant also submits that the cited references fail to meet the standard presented by MPEP § 2143, which requires that “[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” Accordingly, Applicant submits that claims 21-26 are allowable over the cited references.

CONCLUSION

It is respectfully submitted that all the pending claims in the application are in condition for allowance. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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